

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH PESNELL,

Plaintiff,

-v-

VIACOM INTERNATIONAL, INC. and
SPHERION, INC.

Defendants.

EN POINTE TECHNOLOGIES SALES, INC.,

Third-party Defendant.

Case No: 07-CV-9523 (RMB)

**PLAINTIFF'S RULE 26
INITIAL DISCLOSURE**

The plaintiff, through the undersigned counsel, submits this disclosure statement pursuant to Federal Rules of Civil Procedure 26 (a) (1). Plaintiff reserves his right to amend and supplement this disclosure as discovery and plaintiff's investigation progresses.

I. POTENTIAL WITNESSES

NAME	CONTACT INFORMATION	SUBJECT OF INFORMATION
1. Tatman Lam	Viacom employee	He is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other and discriminatory practices directed towards Plaintiff.
2. Ronald March	En Pointe employee	He is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other offensive

- and discriminatory practices directed towards Plaintiff.
3. Denise Jones Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 4. James Harrison Viacom employee He is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 5. Alex Constantantos Spherion employee He is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 6. Richard E. Brown Viacom employee He is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 7. Paige Wolfson Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 8. Depelsha McGruder-Thomas Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
 9. Dewanda Howard Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other offensive and discriminatory practices directed towards Plaintiff.

10. Charlene McMiller Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
11. Selena Johnson Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.
12. Vanessa Springer Viacom employee She is likely to have discoverable information regarding the unlawful termination of Plaintiff's employment and other discriminatory practices directed towards Plaintiff.

II. DOCUMENTS

Most of the documents and information relevant to Plaintiff's claim are in the possession, custody and control of individuals and entities other than Plaintiff, including but not limited to, the defendants.

	Documents	Location
1.	Plaintiff's correspondence with defendants relating to his working conditions and to refute the defendant's claim of unsatisfactory job performance.	Defendants
2.	Documents from the NYC Commission on Human Rights' investigative file.	NYC Commission on Human Rights

Plaintiff will make available those non-privileged, relevant documents that are in her possession, custody or control that tends to support Plaintiff's position in this case. In particular, the plaintiff will make available the following general categories of documents:


III. DAMAGES

Plaintiff's seeks all actual, statutory, direct, consequential, and incidental damages, the precise amounts of which are subject to proof at trial. Plaintiff is also entitled to back-pay, front-pay, monetary loss of employment health benefits, exemplary and civil penalties as applicable for the causes of action, pre and post-judgment interest, reasonable attorney's fees, expert witness fees and other costs, and any other further relief as the Court deems just and proper. Plaintiffs reserve the right to supplement the types of damages sought prior to trial based on discovery.

Damages may be the subject of expert testimony. Plaintiff has not yet retained an expert on damages and is therefore not in possession of such expert's damage analysis.

Dated: New York, New York
February 6, 2008

Respectfully submitted,

By: 

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